

EXHIBIT 1
(FILED UNDER SEAL)

EXHIBIT 2



US007074266B2

(12) **United States Patent**
Hawkins et al.(10) Patent No.: **US 7,074,266 B2**(45) Date of Patent: **Jul. 11, 2006**(54) **METHOD OF CHEMICAL SOIL
STABILIZATION AND DUST CONTROL**(75) Inventors: **Todd R. Hawkins**, Massillon, OH
(US); **Leland E. Beyersdorff**, North
Canton, OH (US); **Robert W. Vitale**,
Canton, OH (US)(73) Assignee: **Midwest Industrial Supply, Inc.**,
Canton, OH (US)(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) Appl. No.: 11/031,706

(22) Filed: **Jan. 7, 2005**(65) **Prior Publication Data**

US 2005/0124527 A1 Jun. 9, 2005

Related U.S. Application Data(63) Continuation of application No. 10/870,658, filed on
Jun. 17, 2004, which is a continuation of application
No. 09/896,456, filed on Jun. 29, 2001, now aban-
doned, which is a continuation of application No.
09/606,497, filed on Jun. 29, 2000, now abandoned.(51) Int. Cl.
C09K 17/14 (2006.01)
C09K 3/22 (2006.01)(52) U.S. Cl. 106/285; 106/243; 106/267;
106/900; 523/132; 524/543(58) **Field of Classification Search** 106/243,
106/267, 285, 900; 523/132; 524/543
See application file for complete search history.(56) **References Cited****U.S. PATENT DOCUMENTS**

2,448,605 A * 9/1948 Kleinicke 106/223
4,087,572 A 5/1978 Nimerick
4,334,905 A 6/1982 Wagner et al.
4,517,073 A * 5/1985 Ward et al. 208/111.15
4,592,931 A 6/1986 Cargle
4,695,322 A * 9/1987 Schwabe et al. 106/35
5,102,938 A 4/1992 Roberts
5,246,566 A 9/1993 Miller
5,514,412 A 5/1996 McArdle
5,559,166 A * 9/1996 Bearden 523/132
5,977,023 A 11/1999 Inoue et al.
6,122,860 A 9/2000 Von Tapavicza et al.
6,406,538 B1 6/2002 Lauder et al.
2002/0025382 A1 2/2002 Hawkins et al.

FOREIGN PATENT DOCUMENTS

EP 0 466 514 1/1992
GB 2 304 348 3/1997
WO WO 98/23705 6/1998
WO WO 02/02715 A2 1/2002

OTHER PUBLICATIONS

Petro Canada, Dust Suppressants and the Environment,
(Oct. 26, 2004,) Web Page.
Petro Canada, PureDrill IA-35, (Oct. 26, 2004,) Web Page.
Petro Canada, PureDrill IA-35 Drilling Mud Base Fluids,
Information Sheet, no date provided.
Department of Polymer Science, University of S. Missis-
sippi, Polyisobutylene, (Oct. 26, 2004,) Web Pages.
American Petroleum Institute, Engine Oil Licensing and
Certification System, (Apr. 2002,) API 1509, Fifteenth Edi-
tion.
Midwest Research Institute, Research Triangle Institute,
Environmental Technology Verification, (Sep. 2002,) Report.
Midwest Industrial Supply, US EPA ETV Tests New Dust
Suppressant Technologies, (Sep. 11, 2002), Press Release.
ENGINEER, Innovative Engineers Pave New Paths in
Afghanistan, (Oct.-Dec. 2003,) Magazine Article.
SOILWORKS, LLC, Durasoil Ultra-Pure Dust Control
Agent, (Jan. 6, 2004,) Web Pages.

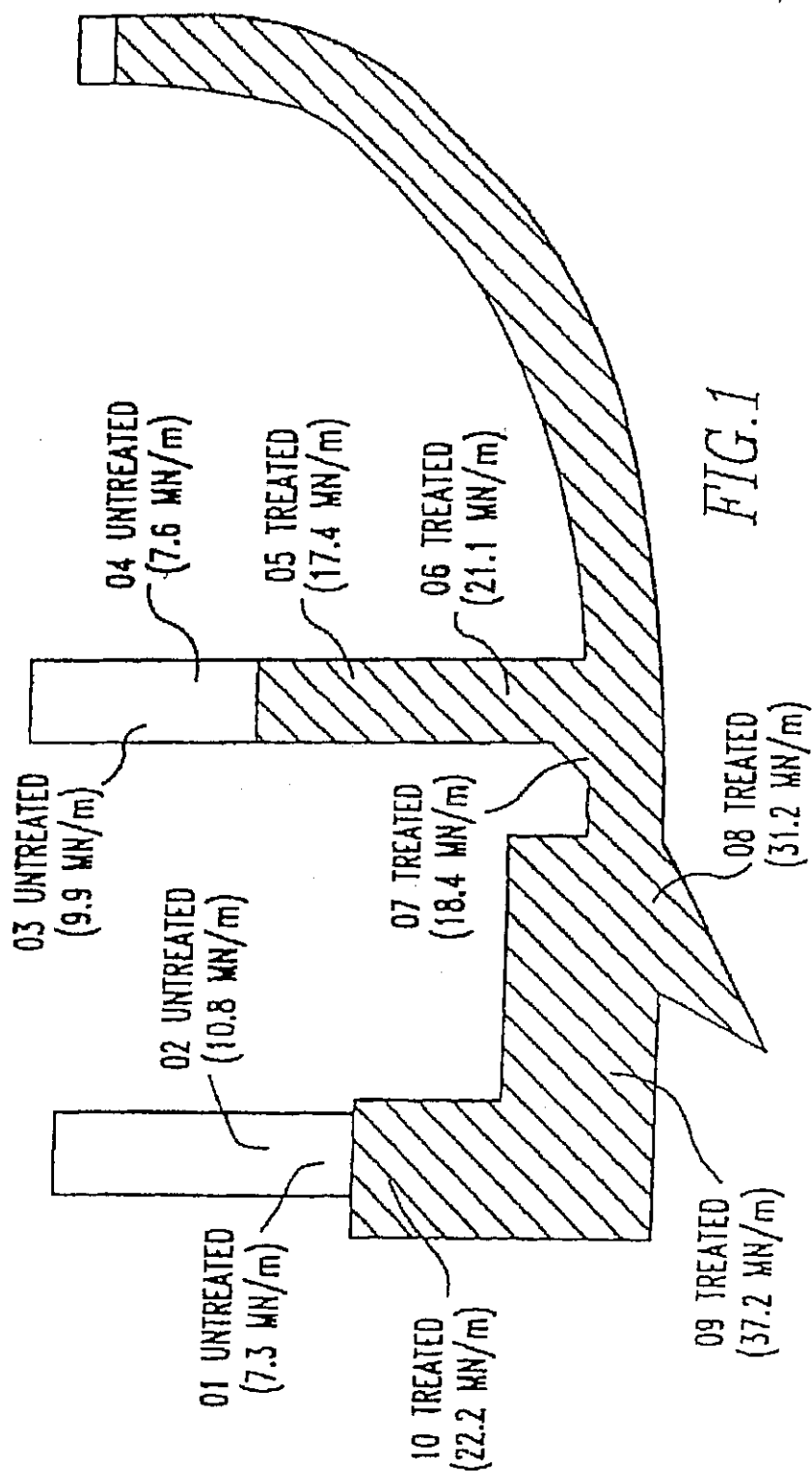
* cited by examiner

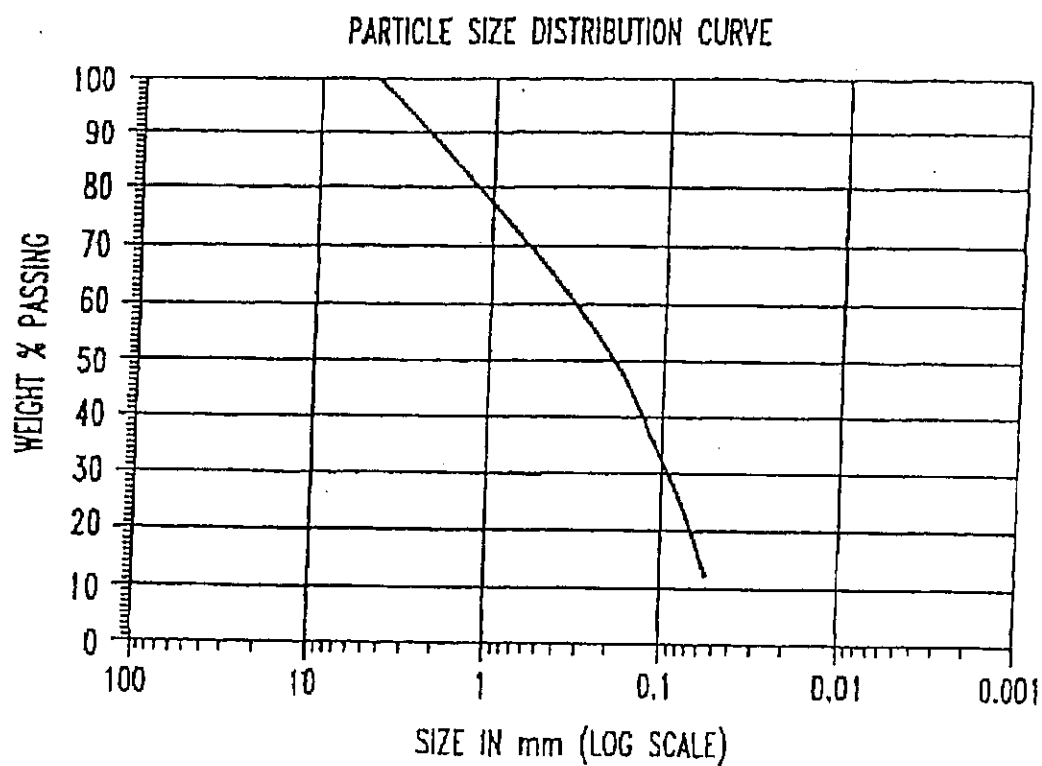
Primary Examiner—David M. Brunzman

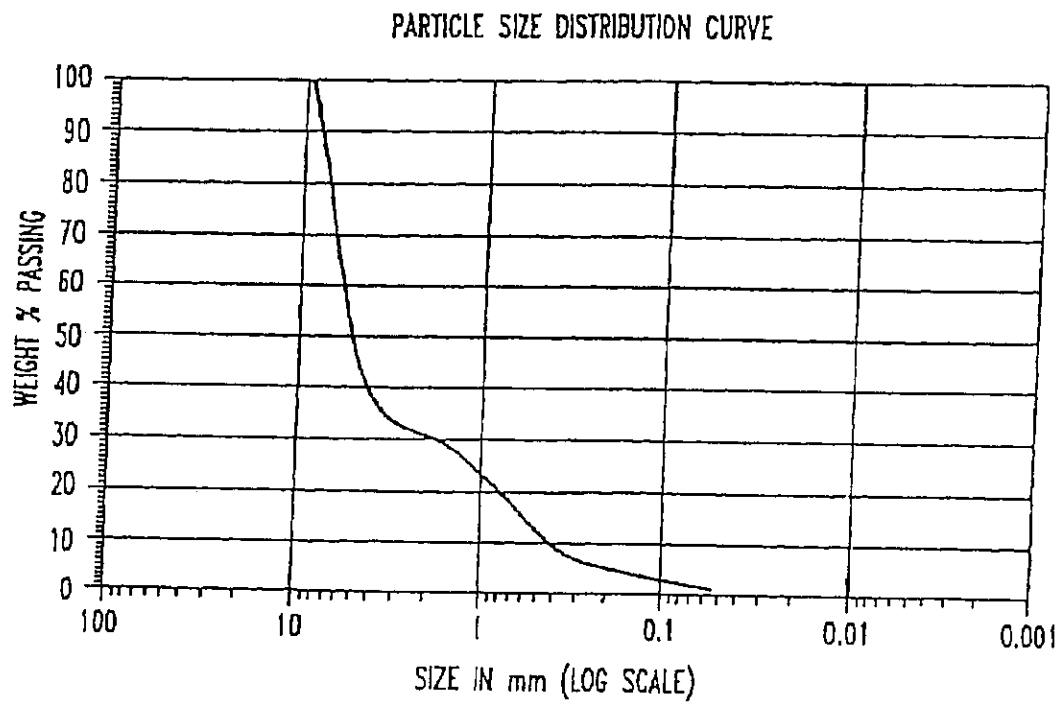
(74) Attorney, Agent, or Firm—Brouse McDowell; Roger D.
Emerson; Daniel A. Thomson(57) **ABSTRACT**

A heterogeneous mixture produced by blending aliphatic or cyclic organic compounds with carboxylic acids of chemical structure R-COOH and applied to soils in a manner to produce high levels of dust and erosion control, and soil stabilization. Alternatively, a heterogeneous mixture may be produced by blending aliphatic or cyclic organic compounds with polyolefins of chemical structure C_nH_{2n} or R-C_{2n}H_{4n}, and applied to soils in a manner to produce high levels of dust control and soil stabilization. The aliphatic and cyclic compounds act as plasticizers and carriers for the carboxylic acids or polyolefin compounds. When applied to soil the carrier provides a mechanism for the carboxylic acid or polyolefin to penetrate the soil and also acts as a dust suppressing weighting agent. The plasticized carboxylic acid and/or polyolefin provides a durable, reworkable binder that associates small particulates while stabilizing soil and aggregate.

15 Claims, 3 Drawing Sheets



*FIG. 2*

*FIG. 3*

METHOD OF CHEMICAL SOIL STABILIZATION AND DUST CONTROL

CROSS-REFERENCE TO RELATED APPLICATIONS

This is a continuation of application Ser. No. 10/870,658, filed Jun. 17, 2004, which is a continuation of application Ser. No. 09/896,456, filed Jun. 29, 2001, now abandoned, which is a continuation of application Ser. No. 09/606,497, filed Jun. 29, 2000, now abandoned.

BACKGROUND OF THE INVENTION

1. Technical Field

This invention relates to a method of soil stabilization and dust control utilizing aliphatic and cyclic organic compounds, specifically blends of resin acids, fatty acids and their esters with solvents that act as plasticizers and carriers.

2. Background of Invention

Many methods of chemical dust and erosion control, and soil stabilization have been utilized over the years, with various detrimental effects on environment, health, and safety and varying degrees of success. Traditional products used for dust control and soil stabilization consist of used or recycled oil, virgin oils, chlorides, lignins, and emulsifications made with low-grade petroleum resins, asphalt, oil, and pitch.

The use of used or recycled petroleum oils has long been employed as a dust control agent. In recent years legislation by most states has curtailed the use of these oils for dust control because of concerns with environment, health, and safety. This legislation has spawned an interest in virgin oils, some highly refined and very safe. The highly refined products may contain low or no aromatics but are generally cost prohibitive for most applications. In addition, petroleum oils have limited value as dust suppressants and virtually no value as soil stabilizers. They act as particle weighting agents by the processes of adsorption or absorption and do not have any significant cohesive action for soil stabilization and control of fine dust.

Magnesium chloride, calcium chloride, and sodium chloride used in solution or solid form act as humectants when added to soil. These products work well in areas of sufficient moisture or require watering for humectants action. The problems with these products are their solubility in water and effects on ground water and plant life. In addition, as strong electrolytes they are highly corrosive to metal equipment.

Lignins have been employed as a low-cost means of dust control for several decades. Recently lignins have come under considerable attack by environmental, health, and safety organizations that have identified dioxin and dioxin forming compounds in lignin. This problem is compounded by lignins solubility in water and it's ability to contaminate ground water. Lignins also have a limited working life because they are water soluble they tend to be washed away with rain, melting snow, or other moisture.

Many types of emulsions of tall oil, petroleum resins, and asphalts and combinations can be prepared and have been exhibited in prior art. Typically these products are emulsified to reduce viscosity to sprayable levels and to aid in penetration of the product into the soil. One of the problems created is the use of excess liquid, which is sprayed onto the ground and can migrate into ground water. In addition, emulsions can also be severely damaged by rain and moisture when the moisture event occurs prior to the emulsion

breaking and the active ingredients curing. When cured properly these products produce a bound soil layer, which is effective for dust control for short periods and under conditions where there is little mechanical disturbance. Examples of tall oil pitch emulsions that produce these results can be found in prior art. Doyle U.S. Pat. No. 5,895,347 discloses chemically stabilized emulsions of tall oil pitch, hydrochloric and stearic acids, and emulsifiers in water where temperature and pH are controlled during preparation. Additionally, Burch U.S. Pat. No. 4,822,425 discloses an emulsion comprising tall oil pitch, rosin, emulsifier, and water.

SUMMARY OF THE INVENTION

Accordingly, several objects and advantages of our invention are superior dust control and soil stabilization in areas of intense use. Improved air and water quality through reduction of airborne particulates and soil erosion are achieved with use of our chemical agents formulated from safe aliphatic and cyclic organic compounds.

In addition, our invention has several benefits over traditional chemical dust and erosion control, and soil stabilization agents, it can be applied neat or undiluted eliminating the chances of collateral runoff, it remains active over long periods of time requiring fewer maintenance applications, is insoluble in water resisting rain and inclement weather contains no electrolytes thus inhibits corrosion.

A heterogeneous mixture produced by blending aliphatic or cyclic organic compounds with carboxylic acids of chemical structure $R-COOH$ and applied to soils in a manner to produce high levels of dust control and soil stabilization. The aliphatic and cyclic compounds act as plasticizers and carriers for the carboxylic acids. When applied to soil the carrier provides a mechanism for the carboxylic acid to penetrate the soil and also acts as a dust suppressing weighting agent. The plasticized carboxylic acid provides a durable, reworkable binder that associates small particulates while stabilizing soil and aggregate. The chemical agent is manufactured and applied using conventional mixing and applied using conventional construction equipment. A test performed at a continuous caster area in a steel mill produced 176% improvement in soil stiffness and modulus as well demonstrable improvements in dust control. Untreated test locations are shown in FIG. 1, untreated (7.3 MN/m) (01), untreated (10.8 MN/m) (02), untreated (9.9 MN/m) (03), untreated (7.6 MN/m) (04). Treated test locations are shown in FIG. 1, treated (17.4 MN/m) (05), treated (21.1 MN/m) (06), treated (18.4 MN/m) (07), treated (31.2 MN/m) (08), treated (37.2 MN/m) (09), and treated (22.2 MN/m) (10).

The present invention also encompasses a heterogeneous mixture produced by blending aliphatic or cyclic organic compounds with polyolefins of chemical structure C_nH_{2n} , or $R-C_{2n}H_{3n}$, and applied to soils in a manner to produce high levels of dust control and soil stabilization. The aliphatic and cyclic compounds act as plasticizers and carriers for the polyolefin to penetrate the soil and also acts as a dust suppressing weighting agent. The plasticized polyolefin provides a durable, reworkable binder that associates small particulates while stabilizing soil and aggregate. The chemical agent is manufactured and applied using conventional mixing and applied using conventional construction equipment. A laboratory test performed on compacted gravel produced 117% improvement in soil stiffness and modulus as well as demonstrable improvements in dust control.

Still further objects and advantages will become apparent from a consideration of the ensuing description and accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

The preferred embodiment of the invention, illustrative of the best mode in which applicant contemplated applying the principles of the invention, is set forth in the following description and is shown in the drawings and is particularly and distinctly pointed out and set forth in the appended claims.

FIG. 1 is a top view of a test plot from an application of a preferred embodiment of the present invention to stabilize soil and control dust at a steel mill;

FIG. 2 is a particle size distribution curve from a test conducted according to a preferred method of this invention; and

FIG. 3 is a particle size distribution curve from a test conducted according to an alternate preferred method of this invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Description of First Embodiment

The invention described herein consists of aliphatic and cyclic organic compounds utilized as plasticizers and carriers that are blended with materials composed primarily of carboxylic acids and applied in a manner to produce improved levels of dust and erosion control, and soil stabilization.

A novel and unexpected result occurs when carboxylic acids are blended with aliphatic or cyclic organic plasticizers and carriers. These blends are processed into either heterogeneous mixtures or emulsions that applied to soil, aggregate, or mineral provide high levels of long lasting dust control and stabilization. The invention exhibits tremendous moisture resistance, reworkability, working life, while being noncorrosive and nonhazardous.

Aliphatic organic compounds refers to saturated and unsaturated hydrocarbons derived from petroleum, coal, or synthetic manufacturing including paraffins or alkanes, olefins, alkenes, and alkadienes. Alcohols, ethers, aldehydes, ketones, carboxylic acids, and carbohydrates. The invention is comprised 0-95% by weight of these compounds.

Cyclic organic compounds refer to alicyclic hydrocarbons, cycloparaffins, cycloolefins, cycloacetylenes, aromatic hydrocarbons, heterocyclics, and any combinations of aliphatic and cyclic structures such as terpenes, amino acids, proteins and nucleic acids. The invention is comprised 0-95% by weight of these compounds.

Carboxylic acid refers to any substance whose major constituents are saturated or unsaturated fatty acids and their esters derived from animal or vegetable fat or oil; and vegetable derived resins or rosin acids, all represented chemically $R-COOH$. The invention is comprised 5-70% by weight of these substances.

Plasticizer refers to organic compounds added to carboxylic acids to facilitate processing and increase the flexibility and durability of the final product.

Carrier refers to any organic compounds in which carboxylic acids are miscible in and serve as a vehicle to aid in the dispersion and penetration of plasticized carboxylic acids into the soil.

Heterogeneous mixtures refer to mixtures or solutions comprised of two or more substances, whether or not they are uniformly dispersed.

Emulsions refer to mixtures of two or more immiscible liquids held in suspension by small percentages of emulsifiers. Emulsifiers can be protein or carbohydrate polymers or long-chained alcohols and fatty acids. The emulsions can either be oil-in-water or water-in-oil continuous phase mixtures.

Operation of First Embodiment

The invention is manufactured using conventional manufacturing equipment. Conventional mixers, emulsifiers, or colloid mills are utilized to blend these components into stable heterogeneous mixers or emulsions.

Application of the chemical agent to the soil is also accomplished by the use of conventional spray equipment. The agent is gravity fed or pumped through hoses, spray nozzles, or fixed sprayers and evenly applied to the soil or material to be treated. Motor-graders, asphalt grinders, mixers, pug mills, compactors, rollers, and other conventional construction equipment may be utilized to blend, set grade, and compact stabilized base if desired.

Once applied the liquid penetrates into the soil where two mechanisms for dust control and stabilization contribute to the effect. The first is a particle weighting and loading mechanism achieved through the processes of adsorption, adherence of molecules to the surface of particles and absorption, penetration of the substance into the inner structure of the particles.

The second mechanism is produced by the plasticized higher polymeric carboxylic acids which act as binders. The fatty acids and resins bind particles into a tightly cohesive base when subjected to compactive forces. The plasticized fatty acids and resins remain active even through severe wet weather and mechanical disturbances from heavy tracked vehicles and steel-chained tires. Our invention displays a unique and unexpected ability to be recompacted into a tightly cohesive base when disturbed, dramatically extending the working life of the chemical agents.

EXAMPLES OF FIRST EMBODIMENT

Example 1

This example discloses a formulation for producing a heterogeneous mixture depicted in our invention.

Constituent	Trade Name	Manufacturer	Weight %
1. Severely hydrogenated paraffinic hydrocarbons	50 Neutrol HT	Petro-Canada	39%
2. Synthetic iso-alkanes	DSF-65	Petro-Canada	33%
3. Mixture of long chain and tricyclic organic acids and esters of sterols and fatty acids	Tallex	Westvaco Chemical	28%

The Tallex material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional blending equipment or agitation.

This example discloses a formulation for producing an emulsion.

Constituent	Trade Name	Manufacturer	Weight %
1. Severely hydrotreated paraffinic hydrocarbons H-T	50 Neutral	Petro-Canada	16%
2. Synthetic iso-alkanes	DSF-65	Petro-Canada	13%
3. Mixture of long chain and tricyclic organic acids and esters of sterols and fatty acids	Tallex	Westvaco Chemical	11%
4. Water			48%
5. Lignosulfonate	Indulin SAL	Westvaco Chemical	10%
6. polyoxypropylene	Pluronic F68	BASF	2%

The Tallex material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional high shear mixers, mixer/emulsifiers, colloid mill, or other suitable mixing equipment.

Test of First Embodiment

A 5,000 square meter test plot was prepared to test the effectiveness of the invention as a dust control agent and soil stabilizer. A severe test in an intensely utilized area was required. A slag reclamation area in the continuous caster process of a large Cleveland, Ohio steel mill was chosen for the test. The plot selected operates 24 hours/day, 5-7 days/week and averages over 100 vehicle passes per day with the majority of vehicles large pot haulers, front-end loaders with steel-chained tires, and tractor-trailers.

Various treatments had been utilized in this area in the past including watering, chlorides, and asphalt emulsions with limited success. Applications of these chemical agents were typically 1-2 times daily for dust control. Historical applications rates for 60% solids asphalt emulsions ranged between 0.15-0.40 liters/square meter daily.

Initial observations of the surface prior to testing revealed a slag covered road comprised of material resembling moon dust. A particle size analysis performed on the material per ASTM C136 indicated the material consisted of 25% silt and clay, 62% sand, and 13% gravel. Graph 1 below shows the particle size distribution curve for the material tested.

The test plot was treated with the material disclosed in Example 1 over a six-week period. Three applications over the six week period were made using a conventional spray truck with a computerized spray output at an application rate of 0.39 liters/square meter each application.

Examination of the area indicated our invention provided a higher level of dust control using less than 25% of the volume of active product previously required. In addition to visual observations, soil stiffness and modulus readings were made using a Midwest Industrial Supply, Inc. Stiffness and Modulus Instrument (SAMITRON). The SAMITRON measures in-situ soil stiffness by measuring the stress imparted to the surface and the resulting surface velocity as a function of time. If a Poisson's ratio is assumed and knowing the SAMITRON's physical dimensions, shear and Young's Modulus can be expressed:

$$\text{Young's Modulus (E)} = \frac{(\text{Stiffness})(1 - \text{Poisson's Ratio}^2)}{0.1011555}$$

where Poisson's Ratio = 0.35

Six measurements were made at treated locations within the test plot with four untreated measurements made just outside the test plot to provide control data. The untreated locations outside the test plot were selected in the same general vehicle path to assume equivalent traffic conditions. The average of three readings was reported from each site with a 176% increase in stiffness and modulus when compared to the untreated locations. The averaged data with locations and drawing references are listed below:

DRAWING REFERENCE	STIFFNESS (MN/m)	MODULUS (Mpa)
Untreated 01	7.3	63.7
Untreated 02	10.8	93.6
Untreated 03	9.9	86.0
Untreated 04	7.6	65.7
Treated 05	17.4	151.1
Treated 06	21.1	182.9
Treated 07	18.4	159.3
Treated 08	31.2	270.4
Treated 09	37.2	323.1
Treated 10	22.2	192.8

Description of Second Embodiment

The invention described herein consists of aliphatic and cyclic organic compounds utilized as plasticizers and carriers that are blended with materials composed primarily of thermoplastic polyolefin compounds and applied in a manner to produce improved levels of dust and erosion control, and soil stabilization.

A novel and unexpected result occurs when polyolefin compounds are blended with aliphatic or cyclic organic plasticizers and carriers. These blends are processed into either heterogeneous mixtures or emulsions that applied to soil, aggregate, or mineral provide high levels of long lasting dust control and stabilization. The invention exhibits tremendous moisture resistance, reworkability, working life, while being noncorrosive and nonhazardous.

Aliphatic organic compounds refers to saturated and unsaturated hydrocarbons derived from petroleum, coal, or synthetic manufacturing including paraffins or alkanes, olefins, alkenes, and alkadienes. Alcohols, ethers, aldehydes, ketones, carboxylic acids, and carbohydrates. The invention is comprised 0-95% by weight of these compounds.

Cyclic organic compounds refer to alicyclic hydrocarbons, cycloparaffins, cycloolefins, cycloacetylenes, aromatic hydrocarbons, heterocyclics, and any combinations of aliphatic and cyclic structures such as terpenes, amino acids, proteins and nucleic acids. The invention is comprised 0-95% by weight of these compounds.

Thermoplastic polyolefin compound refers to any substance derived from olefins with chemical structure C_nH_{2n} or $R-C_{2n}H_{3n}$, including polyethylene, polypropylene, polybutenes, polyisobutylenes, polyisoprene, and their copolymers. The invention is comprised of 2-90% by weight of these substances.

Plasticizer refers to organic compounds added to polyolefin compounds to facilitate processing and increase the flexibility and durability of the final product.

Carrier refers to any organic compounds in which polyolefin compounds are miscible in and serve as a vehicle to aid in the dispersion and penetration of plasticized polyolefin into the soil.

Heterogeneous mixtures refer to mixtures or solutions comprised of two or more substances, whether or not they are uniformly dispersed.

Emulsions refer to mixtures of two or more immiscible liquids held in suspension by small percentages of emulsifiers. Emulsifiers can be protein or carbohydrate polymers or long-chained alcohols and fatty acids. The emulsions can either be oil-in-water or water-in-oil continuous phase mixtures.

Operation of the Second Embodiment

The invention is manufactured using conventional manufacturing equipment. Conventional mixers, emulsifiers, or colloid mills are utilized to blend these components into stable heterogeneous mixers or emulsions.

Application of the chemical agent to the soil is also accomplished by the use of conventional spray equipment. The agent is gravity fed or pumped through hoses, spray nozzles, or fixed sprayers and evenly applied to the soil or material to be treated. Motor-graders, asphalt grinders, mixers, pug mills, compactors, rollers, and other conventional construction equipment may be utilized to blend, set grade, and compact stabilized base if desired.

Once applied, the liquid penetrates into the soil where two mechanisms for dust control and stabilization contribute to the effect. The first is a particle weighting and loading mechanism achieved through the processes of absorption, adherence of molecules to the surface of particles and absorption, penetration of the substance into the inner structure of the particles.

The second mechanism is produced by the plasticized higher polymeric polyolefin compounds which act as binders. The thermoplastic polyolefin compounds bind particles into a tightly cohesive base when subjected to compactive forces. The plasticized polyolefin compounds remain active even through severe wet weather and mechanical disturbances from heavy tracked vehicles and steel-chained tires. Our invention displays a unique and unexpected ability to be recompacted into a tightly cohesive base when disturbed, dramatically extending the working life of the chemical agents.

Example 3

This example discloses a formulation for producing a heterogeneous mixture as disclosed in our invention.

Constituent	Trade Name	Manufacturer	Weight %
1. Synthetic iso-alkanes	DSF-65	Petro-Canada	67%
2. Polyisobutylene	TPC 195	Texas Petro-Chemical	33%

The TPC 195 material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional blending equipment or agitation.

Example 4

This example discloses a formulation for producing an emulsion.

Constituent	Trade Name	Manufacturer	Weight %
1. Synthetic iso-alkanes	DSF-65	Petro-Canada	15%
2. Polyolefin	TPC 195	Texas Petro-Chemical	15%
3. Water			58%
4. Low hydrophile-lipophile balance surfactant	NP 1.5	Chemax	5%
5. High hydrophile-lipophile balance surfactant	Neodol R-91-B	Tamoh	7%

The TPC 195 material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional high shear mixers, mixer/emulsifiers, colloid mill, or other suitable mixing equipment.

Test of Second Embodiment

Molded samples were constructed using standard CBR (California Bearing Ratio) molds using gravel taken from an aircraft runway from the Northwest Territories in Canada. Three control samples were made and compacted without the use of a stabilizing agent and tested. Alternatively, three samples were prepared using the material prepared as specified in Example 1 above.

A particle size analysis performed on the material per ASTM C136 indicated the material consisted of 3% silt and clay, 29% sand, and 68% gravel. FIG. 3 shows the particle size distribution curve for the material tested.

The control samples test mold were prepared by compacting 10 kilograms of gravel into the standard 15.24 centimeter diameter CBR molds using an automatic compactor in three lifts and 56 blows per lift. The treated samples were constructed in the same manner with the addition of 100 cubic centimeters of soil stabilizer prepared as described in Example 1.

Soil stiffness and modulus readings were made using a Midwest Industrial Supply, Inc. Stiffness and Modulus Instrument (SAMITRON). The SAMITRON measures in-situ soil stiffness by measuring the stress imparted to the surface and the resulting surface velocity as a function of time. If a Poisson's ratio is assumed and knowing the SAMITRON's physical dimensions, shear and Young's Modulus can be expressed:

$$\text{Young's Modulus (E)} = \frac{(\text{Stiffness})(1 - \text{Poisson's Ratio}^2)}{0.1011555}$$

where Poisson's Ratio = 0.35

An average was taken from three measurements made on each sample. The average of three readings was reported from each sample with a 117% increase in stiffness and modulus when compared to the untreated locations. The averaged data is listed below:

DRAWING REFERENCE	STIFFNESS (MN/m)	MODULUS (Mpa)
Untreated 01	5.6	48.6
Untreated 02	6.1	52.9
Untreated 03	5.8	50.3
Treated 04	12.7	110.2
Treated 05	12.6	109.3
Treated 06	12.7	110.2

Accordingly, it can be seen that we have provided a unique and effective means of dust control and stabilization using a chemical agent that provided unexpected results when tested.

Although the description above contains much specificity, these should not be construed as limiting the scope of the invention but as merely providing illustrations of some of the presently preferred embodiments of this invention. Various other embodiments and ramifications are possible within its scope. For example, several different types of substances rich in polyolefins are available as drop-in replacements to those tested, as well as numerous aliphatic and cyclic organic compounds. The invention given as a method of soil stabilization and dust control also has related applications as a soil remediation agent, recycled asphalt stabilizer, and asphalt rejuvenator, and coal based or other synthetic fuel additives.

Thus the scope of the invention should be determined by the appended claims and their legal equivalents, rather than by the examples given.

What is claimed is:

1. A compound for chemical soil stabilization and dust control, the compound consisting essentially of:
 - a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin; and,
 - a synthetic isoalkane.

2. The compound of claim 1, wherein the binder is a carboxylic acid.

3. The compound of claim 2, wherein the carboxylic acid is a fatty acid.

4. The compound of claim 2, wherein the compound is devoid of electrolytes.

5. The compound of claim 2 wherein the compound comprises from 1 to 99% by weight of the carboxylic acid.

6. The compound of claim 2, wherein the compound further comprises an emulsifier.

7. The compound of claim 2, wherein the synthetic isoalkane is selected from a group comprising: synthetic or semi-synthetic hydrocarbons.

8. The compound of claim 7 wherein the synthetic hydrocarbons are selected from a group produced from hydrotreating, hydrocracking, or hydroisomerization.

9. The compound of claim 7 wherein the synthetic isoalkane is selected from chemical group comprising: isoalkanes or branched iso-paraffins.

10. The compound of claim 1, wherein the binder is a thermoplastic polyolefin.

11. The compound of claim 10, wherein the compound comprises from 1 to 99% by weight of the thermoplastic polyolefin.

12. The compound of claim 1 wherein the isoalkane has a viscosity of at least about 19 centistokes @20° C., and a flame point greater than 130° C.

13. The compound of claim 12 wherein the synthetic isoalkane is selected from chemical group comprising: isoalkanes or branched iso-paraffins.

14. The compound of claim 1, wherein the compound further comprises an emulsifier.

15. The compound of claim 14, wherein the synthetic isoalkane has a flash point of 177° C.

* * * * *

EXHIBIT 3



US007081270B2

(12) **United States Patent**
Hawkins et al.

(10) Patent No.: **US 7,081,270 B2**
(45) Date of Patent: **Jul. 25, 2006**

(54) **METHOD OF CHEMICAL SOIL
STABILIZATION AND DUST CONTROL**

(75) Inventors: **Todd R. Hawkins**, Massillon, OH
(US); **Leland E. Beyersdorff**, North
Canton, OH (US); **Robert W. Vitale**,
Canton, OH (US)

(73) Assignee: **Midwest Industrial Supply, Inc.**,
Canton, OH (US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.

(21) Appl. No.: **10/870,658**

(22) Filed: **Jun. 17, 2004**

(65) **Prior Publication Data**
US 2004/0234682 A1 Nov. 25, 2004

Related U.S. Application Data

(63) Continuation of application No. 09/896,456, filed on
Jun. 29, 2001, now abandoned, which is a continua-
tion-in-part of application No. 09/606,497, filed on
Jun. 29, 2000, now abandoned.

(51) Int. Cl.
B05C 1/16 (2006.01)
B05D 1/02 (2006.01)

(52) U.S. Cl. 427/136; 427/421

(58) Field of Classification Search 427/136,
427/212, 215, 220, 221, 421, 138

See application file for complete search history.

(56) **References Cited**
U.S. PATENT DOCUMENTS

2,448,605 A * 9/1948 Kleinicke 106/223
4,087,572 A * 5/1978 Nimerick 427/214
4,695,322 A * 9/1987 Schwabe et al. 106/35
5,559,166 A * 9/1996 Bearden 523/132

FOREIGN PATENT DOCUMENTS

EP 466514 A2 * 1/1992
WO 9823705 A1 * 6/1998

* cited by examiner

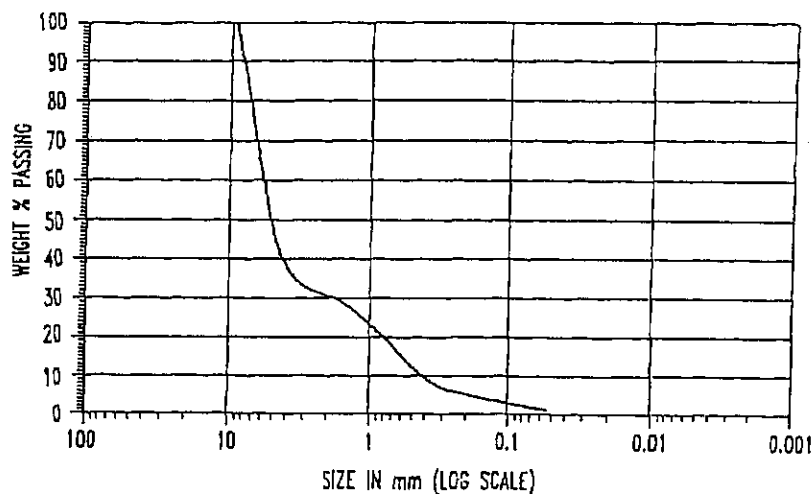
Primary Examiner Timothy Meeks
Assistant Examiner—Eric B. Fuller
(74) *Attorney, Agent, or Firm*—Brouse McDowell, John M.
Skeriotis; Daniel A. Thomson

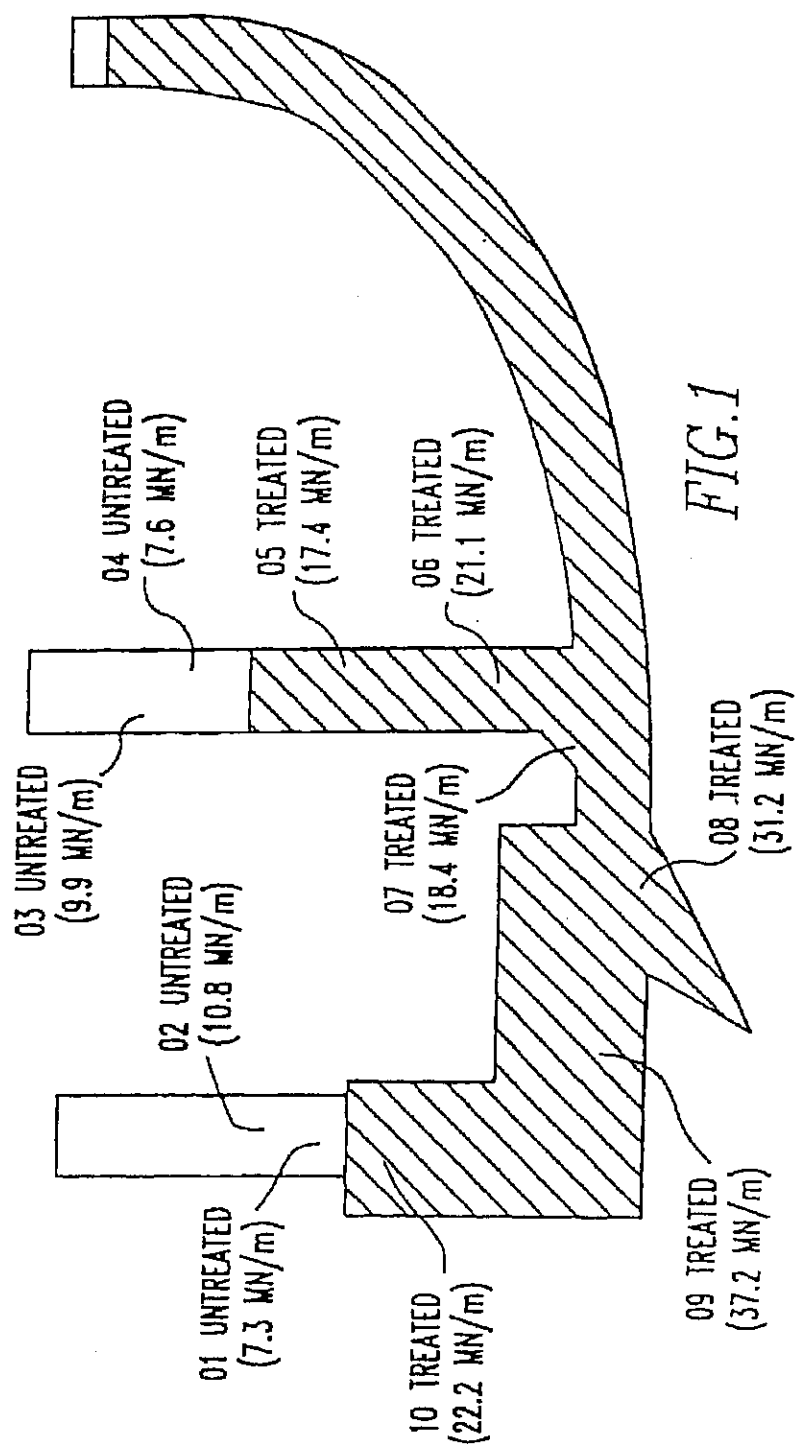
(57) **ABSTRACT**

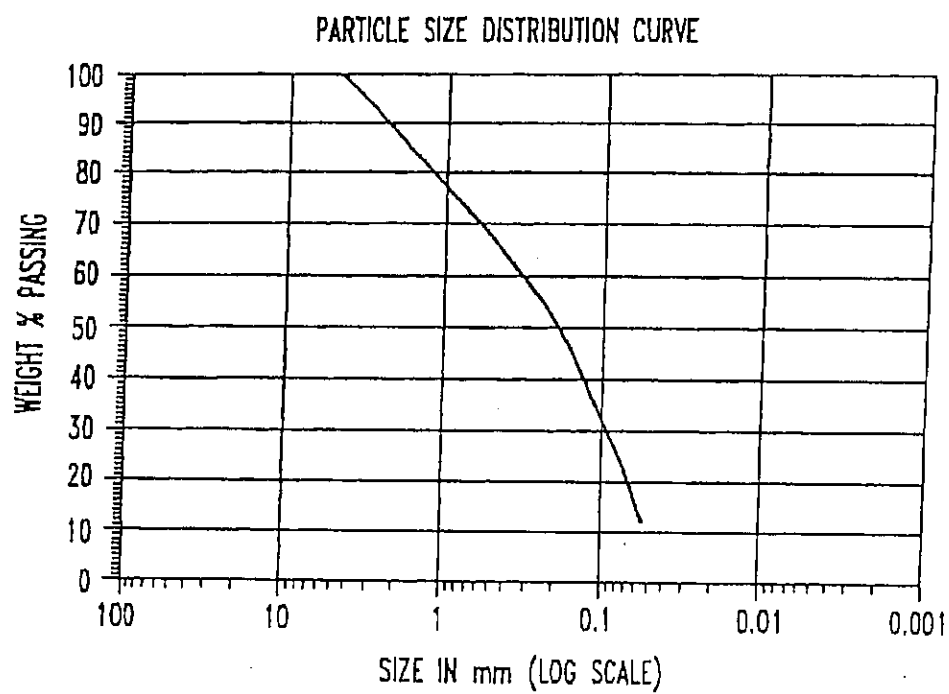
A heterogeneous mixture produced by blending aliphatic or cyclic organic compounds with carboxylic acids of chemical structure R—COOH and applied to soils in a manner to produce high levels of dust and erosion control, and soil stabilization. Alternatively, a heterogeneous mixture may be produced by blending aliphatic or cyclic organic compounds with polyolefins of chemical structure C_nH_{2n} or R—C_nH_{2n}, and applied to soils in a manner to produce high levels of dust control and soil stabilization. The aliphatic and cyclic compounds act as plasticizers and carriers for the carboxylic acids or polyolefin compounds. When applied to soil the carrier provides a mechanism for the carboxylic acid or polyolefin to penetrate the soil and also acts as a dust suppressing weighting agent. The plasticized carboxylic acid and/or polyolefin provides a durable, reworkable binder that associates small particulates while stabilizing soil and aggregate.

16 Claims, 3 Drawing Sheets

PARTICLE SIZE DISTRIBUTION CURVE





*FIG. 2*

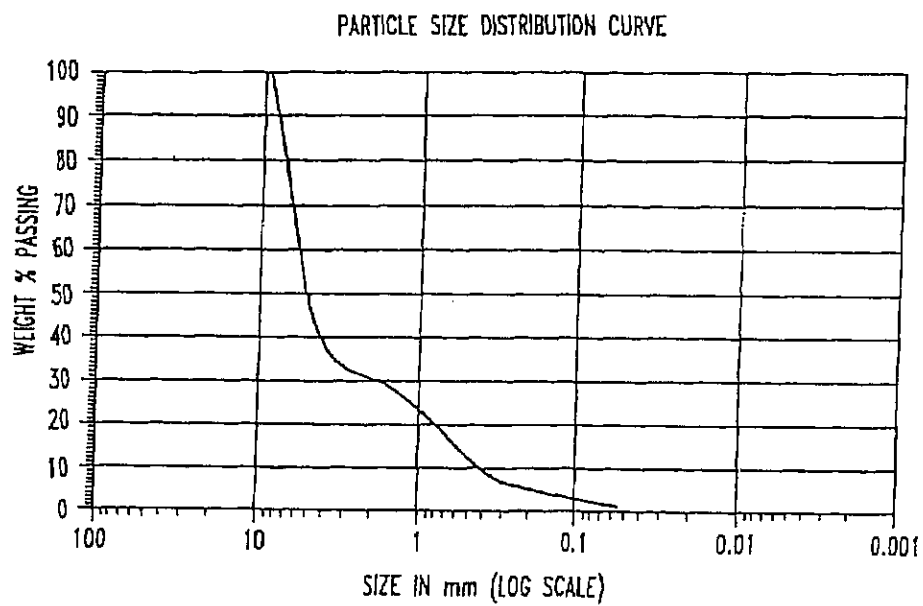


FIG. 3

1

METHOD OF CHEMICAL SOIL STABILIZATION AND DUST CONTROL

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. patent application Ser. No. 09/896,456, filed on Jun. 29, 2001, now abandoned which is a continuation-in-part application of U.S. patent Ser. No. 09/606,497, filed Jun. 29, 2000, now abandoned.

BACKGROUND OF THE INVENTION

1. Technical Field

This invention relates to a method of soil stabilization and dust control utilizing aliphatic and cyclic organic compounds, specifically blends of resin acids, fatty acids and their esters with solvents that act as plasticizers and carriers.

2. Background of Invention

Many methods of chemical dust and erosion control, and soil stabilization have been utilized over the years, with various detrimental effects on environment, health, and safety and varying degrees of success. Traditional products used for dust control and soil stabilization consist of used or recycled oil, virgin oils, chlorides, lignins, and emulsifications made with low-grade petroleum resins, asphalt, oil, and pitch.

The use of used or recycled petroleum oils has long been employed as a dust control agent. In recent years legislation by most states has curtailed the use of these oils for dust control because of concerns with environment, health, and safety. This legislation has spawned an interest in virgin oils, some highly refined and very safe. The highly refined products may contain low or no aromatics but are generally cost prohibitive for most applications. In addition, petroleum oils have limited value as dust suppressants and virtually no value as soil stabilizers. They act as particle weighting agents by the processes of adsorption or absorption and do not have any significant cohesive action for soil stabilization and control of fine dust.

Magnesium chloride, calcium chloride, and sodium chloride used in solution or solid form act as humectants when added to soil. These products work well in areas of sufficient moisture or require watering for humectants action. The problems with these products are their solubility in water and effects on ground water and plant life. In addition, as strong electrolytes they are highly corrosive to metal equipment.

Lignins have been employed as a low-cost means of dust control for several decades. Recently lignins have come under considerable attack by environmental, health, and safety organizations that have identified dioxin and dioxin forming compounds in lignin. This problem is compounded by lignins solubility in water and its ability to contaminate ground water. Lignins also have a limited working life because they are water soluble they tend to be washed away with rain, melting snow, or other moisture.

Many types of emulsions of tall oil, petroleum resins, and asphalts and combinations can be prepared and have been exhibited in prior art. Typically these products are emulsified to reduce viscosity to sprayable levels and to aid in penetration of the product into the soil. One of the problems created is the use of excess liquid, which is sprayed onto the ground and can migrate into ground water. In addition, emulsions can also be severely damaged by rain and moisture when the moisture event occurs prior to the emulsion

2

breaking and the active ingredients curing. When cured properly these products produce a bound soil layer, which is effective for dust control for short periods and under conditions where there is little mechanical disturbance.

5 Examples of tall oil pitch emulsions that produce these results can be found in prior art. Doyle U.S. Pat. No. 5,895,347 discloses chemically stabilized emulsions of tall oil pitch, hydrochloric and stearic acids, and emulsifiers in water where temperature and pH are controlled during preparation. Additionally, Burch U.S. Pat. No. 4,822,425 discloses an emulsion comprising tall oil pitch, resin, emulsifier, and water.

SUMMARY OF THE INVENTION

Accordingly, several objects and advantages of our invention are superior dust control and soil stabilization in areas of intense use. Improved air and water quality through reduction of airborne particulates and soil erosion are achieved with use of our chemical agents formulated from safe aliphatic and cyclic organic compounds.

In addition, our invention has several benefits over traditional chemical dust and erosion control, and soil stabilization agents, it can be applied neat or undiluted eliminating the chances of collateral runoff, it remains active over long periods of time requiring fewer maintenance applications, is insoluble in water resisting ruin and inclement weather contains no electrolytes thus inhibits corrosion.

A heterogeneous mixture produced by blending aliphatic or cyclic organic compounds with carboxylic acids of chemical structure $R-COOH$ and applied to soils in a manner to produce high levels of dust control and soil stabilization. The aliphatic and cyclic compounds act as plasticizers and carriers for the carboxylic acids. When applied to soil the carrier provides a mechanism for the carboxylic acid to penetrate the soil and also acts as a dust suppressing weighting agent. The plasticized carboxylic acid provides a durable, reworkable binder that associates small particulates while stabilizing soil and aggregate. The chemical agent is manufactured and applied using conventional mixing and applied using conventional construction equipment. A test performed at a continuous caster area in a steel mill produced 176% improvement in soil stiffness and modulus as well demonstrable improvements in dust control. Untreated test locations are shown in FIG. 1, untreated (7.3 MN/m) (01), untreated (10.8 MN/m) (02), untreated (9.9 MN/m) (03), untreated (7.6 MN/m) (04). Treated test locations are shown in FIG. 1, treated (17.4 MN/m) (05), treated (21.1 MN/m) (06), treated (18.4 MN/m) (07), treated (31.2 MN/m) (08), treated (37.2 MN/m) (09), and treated (22.2 MN/m) (10).

The present invention also encompasses a heterogeneous mixture produced by blending aliphatic or cyclic organic compounds with polyolefins of chemical structure C_nH_{2n} or $R-C_{2n}H_{3n}$, and applied to soils in a manner to produce high levels of dust control and soil stabilization. The aliphatic and cyclic compounds act as plasticizers and carriers for the polyolefin to penetrate the soil and also acts as a dust suppressing weighting agent. The plasticized polyolefin provides a durable, reworkable binder that associates small particulates while stabilizing soil and aggregate. The chemical agent is manufactured and applied using conventional mixing and applied using conventional construction equipment. A laboratory test performed on compacted gravel produced 117% improvement in soil stiffness and modulus as well as demonstrable improvements in dust control.

Still further objects and advantages will become apparent from a consideration of the ensuing description and accompanying drawings.

BRIEF DESCRIPTION OF THE DRAWINGS

The preferred embodiment of the invention, illustrative of the best mode in which applicant contemplated applying the principles of the invention, is set forth in the following description and is shown in the drawings and is particularly and distinctly pointed out and set forth in the appended claims.

FIG. 1 is a top view of a test plot from an application of a preferred embodiment of the present invention to stabilize soil and control dust at a steel mill;

FIG. 2 is a particle size distribution curve from a test conducted according to a preferred method of this invention; and

FIG. 3 is a particle size distribution curve from a test conducted according to an alternate preferred method of this invention.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

Description of First Embodiment

The invention described herein consists of aliphatic and cyclic organic compounds utilized as plasticizers and carriers that are blended with materials composed primarily of carboxylic acids and applied in a manner to produce improved levels of dust and erosion control, and soil stabilization.

A novel and unexpected result occurs when carboxylic acids are blended with aliphatic or cyclic organic plasticizers and carriers. These blends are processed into either heterogeneous mixtures or emulsions that applied to soil, aggregate, or mineral provide high levels of long lasting dust control and stabilization. The invention exhibits tremendous moisture resistance, reworkability, working life, while being noncorrosive and nonhazardous.

Aliphatic organic compounds refers to saturated and unsaturated hydrocarbons derived from petroleum, coal, or synthetic manufacturing including paraffins or alkanes, olefins, alkenes, and alkadienes. Alcohols, ethers, aldehydes, ketones, carboxylic acids, and carbohydrates. The invention is comprised 0-95% by weight of these compounds.

Cyclic organic compounds refer to alicyclic hydrocarbons, cycloparaffins, cycloolefins, cycloacetylenes, aromatic hydrocarbons, heterocyclics, and any combinations of aliphatic and cyclic structures such as terpenes, amino acids, proteins and nucleic acids. The invention is comprised 0-95% by weight of these compounds.

Carboxylic acid refers to any substance whose major constituents are saturated or unsaturated fatty acids and their esters derived from animal or vegetable fat or oil; and vegetable derived resins or rosin acids, all represented chemically $R-COOH$. The invention is comprised 5-70% by weight of these substances.

Plasticizer refers to organic compounds added to carboxylic acids to facilitate processing and increase the flexibility and durability of the final product.

Carrier refers to any organic compounds in which carboxylic acids are miscible in and serve as a vehicle to aid in the dispersion and penetration of plasticized carboxylic acids into the soil.

Heterogeneous mixtures refer to mixtures or solutions comprised of two or more substances, whether or not they are uniformly dispersed.

Emulsions refer to mixtures of two or more immiscible liquids held in suspension by small percentages of emulsifiers. Emulsifiers can be protein or carbohydrate polymers or long-chained alcohols and fatty acids. The emulsions can either be oil-in-water or water-in-oil continuous phase mixtures.

Operation of First Embodiment

The invention is manufactured using conventional manufacturing equipment. Conventional mixers, emulsifiers, or colloid mills are utilized to blend these components into stable heterogeneous mixers or emulsions.

Application of the chemical agent to the soil is also accomplished by the use of conventional spray equipment. The agent is gravity fed or pumped through hoses, spray nozzles, or fixed sprayers and evenly applied to the soil or material to be treated. Motor-graders, asphalt grinders, mixers, pug mills, compactors, rollers, and other conventional construction equipment may be utilized to blend, set grade, and compact stabilized base if desired.

Once applied the liquid penetrates into the soil where two mechanisms for dust control and stabilization contribute to the effect. The first is a particle weighting and loading mechanism achieved through the processes of adsorption, adherence of molecules to the surface of particles and absorption, penetration of the substance into the inner structure of the particles.

The second mechanism is produced by the plasticized higher polymeric carboxylic acids which act as binders. The fatty acids and resins bind particles into a tightly cohesive base when subjected to compressive forces. The plasticized fatty acids and resins remain active even through severe wet weather and mechanical disturbances from heavy tracked vehicles and steel-chained tires. Our invention displays a unique and unexpected ability to be recompact into a tightly cohesive base when disturbed, dramatically extending the working life of the chemical agents.

Examples of First Embodiment

EXAMPLE 1

This example discloses a formulation for producing a heterogeneous mixture depicted in our invention.

Constituent	Trade Name	Manufacturer	Weight %
1. Severely hydrotreated paraffinic hydrocarbons	50 Neutral HT	Petro-Canada	30%
2. Synthetic iso-alkanes	DSF-65	Petro-Canada	11%
3. Mixture of long chain and tricyclic organic acids and esters of sterols and fatty acids	Tallex	Wesvaco Chemical	28%

The Tallex material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional blending equipment or agitation.

5
EXAMPLE 2

This example discloses a formulation for producing an emulsion,

Constituent	Trade Name	Manufacturer	Weight %
1. Severely hydrotreated paraffinic hydrocarbons	50 Neutral HT	Petro-Canada	16%
2. Synthetic iso-alkanes	DSF-65	Petro-Canada	13%
3. Mixture of long chain and tricyclic organic acids and esters of sterols and fatty acids	Tallex	Westvaco Chemical	11%
4. Water			48%
5. lignosulfonate	Indulin SAL	Westvaco Chemical	10%
6. polyoxypropylene	Pluronic F68	BASF	2%

The Tallex material is maintained at 45–135 degrees centigrade and blended into the remaining materials using conventional high shear mixers, mixer/emulsifiers, colloid mill, or other suitable mixing equipment.

Test of First Embodiment

A 5,000 square meter test plot was prepared to test the effectiveness of the invention as a dust control agent and soil stabilizer. A severe test in an intensely utilized area was required. A slag reclamation area in the continuous caster process of a large Cleveland, Ohio steel mill was chosen for the test. The plot selected operates 24 hours/day, 5–7 days/week and averages over 100 vehicle passes per day with the majority of vehicles large pot haulers, front-end loaders with steel-chained tires, and tractor-trailers.

Various treatments had been utilized in this area in the past including watering, chlorides, and asphalt emulsions with limited success. Applications of these chemical agents were typically 1–2 times daily for dust control. Historical applications rates for 60% solids asphalt emulsions ranged between 0.15–0.40 liters/square meter daily.

Initial observations of the surface prior to testing revealed a slag covered road comprised of material resembling moon dust. A particle size analysis performed on the material per ASTM C136 indicated the material consisted of 25% silt and clay, 62% sand, and 13% gravel. Graph 1 below shows the particle size distribution curve for the material tested.

The test plot was treated with the material disclosed in Example 1 over a six-week period. Three applications over the six week period were made using a conventional spray truck with a computerized spray output at an application rate of 0.39 liters/square meter each application.

Examination of the area indicated our invention provided a higher level of dust control using less than 25% of the volume of active product previously required. In addition to visual observations, soil stiffness and modulus readings were made using a Midwest Industrial Supply, Inc. Stiffness and Modulus Instrument (SAMTRON). The SAMTRON measures in-situ soil stiffness by measuring the stress imparted to the surface and the resulting surface velocity as a function of time. If a Poisson's ratio is assumed and knowing the SAMTRON's physical dimensions, shear and Young's Modulus can be expressed:

$$\text{Young's Modulus (E)} = \frac{(\text{Stiffness})(1 - \text{Poisson's Ratio}^2)}{0.1011553}$$

where Poisson's Ratio = 0.35

Six measurements were made at treated locations within the test plot with four untreated measurements made just outside the test plot to provide control data. The untreated locations outside the test plot were selected in the same general vehicle path to assume equivalent traffic conditions. The average of three readings was reported from each site with a 176% increase in stiffness and modulus when compared to the untreated locations. The averaged data with locations and drawing references are listed below:

DRAWING REFERENCE	STIFFNESS (MN/m)	MODULUS (Mpa)
Untreated 01	7.3	63.7
Untreated 02	10.8	93.6
Untreated 03	9.9	86.0
Untreated 04	7.6	65.7
Treated 05	17.4	151.1
Treated 06	21.1	182.9
Treated 07	18.4	159.3
Treated 08	31.2	270.4
Treated 09	37.2	323.1
Treated 10	22.2	192.8

Description of Second Embodiment

The invention described herein consists of aliphatic and cyclic organic compounds utilized as plasticizers and carriers that are blended with materials composed primarily of thermoplastic polyolefin compounds and applied in a manner to produce improved levels of dust and erosion control, and soil stabilization.

A novel and unexpected result occurs when polyolefin compounds are blended with aliphatic or cyclic organic plasticizers and carriers. These blends are processed into either heterogeneous mixtures or emulsions that applied to soil, aggregate, or mineral provide high levels of long lasting dust control and stabilization. The invention exhibits tremendous moisture resistance, reworkability, working life, while being noncorrosive and nonhazardous.

Aliphatic organic compounds refers to saturated and unsaturated hydrocarbons derived from petroleum, coal, or synthetic manufacturing including paraffins or alkanes, olefins, alkenes, and alkadienes. Alcohols, ethers, aldehydes, ketones, carboxylic acids, and carbohydrates. The invention is comprised 0–95% by weight of these compounds.

Cyclic organic compounds refer to alicyclic hydrocarbons, cycloparaffins, cycloolefins, cycloacetylenes, aromatic hydrocarbons, heterocyclics, and any combinations of aliphatic and cyclic structures such as terpenes, amino acids, proteins and nucleic acids. The invention is comprised 0–95% by weight of these compounds.

Thermoplastic polyolefin compound refers to any substance derived from olefins with chemical structure C_nH_{2n} or $R-C_{2n}H_{2n}$ including polyethylene, polypropylene, polybutenes, polyisobutylenes, polyisoprene, and their copolymers. The invention is comprised of 2–90% by weight of these substances.

Plasticizer refers to organic compounds added to polyolefin compounds to facilitate processing and increase the flexibility and durability of the final product.

Carrier refers to any organic compounds in which polyolefin compounds are miscible in and serve as a vehicle to aid in the dispersion and penetration of plasticized polyolefin into the soil.

Heterogeneous mixtures refer to mixtures or solutions comprised of two or more substances, whether or not they are uniformly dispersed.

Emulsions refer to mixtures of two or more immiscible liquids held in suspension by small percentages of emulsifiers. Emulsifiers can be protein or carbohydrate polymers or long-chained alcohols and fatty acids. The emulsions can either be oil-in-water or water-in-oil continuous phase mixtures.

Operation of the Second Embodiment

The invention is manufactured using conventional manufacturing equipment. Conventional mixers, emulsifiers, or colloid mills are utilized to blend these components into stable heterogeneous mixers or emulsions.

Application of the chemical agent to the soil is also accomplished by the use of conventional spray equipment. The agent is gravity fed or pumped through hoses, spray nozzles, or fixed sprayers and evenly applied to the soil or material to be treated. Motor-graders, asphalt grinders, mixers, pug mills, compactors, rollers, and other conventional construction equipment may be utilized to blend, set grade, and compact stabilized base if desired.

Once applied, the liquid penetrates into the soil where two mechanisms for dust control and stabilization contribute to the effect. The first is a particle weighting and loading mechanism achieved through the processes of absorption, adherence of molecules to the surface of particles and absorption, penetration of the substance into the inner structure of the particles.

The second mechanism is produced by the plasticized higher polymeric polyolefin compounds which act as binders. The thermoplastic polyolefin compounds bind particles into a tightly cohesive base when subjected to compactive forces. The plasticized polyolefin compounds remain active even through severe wet weather and mechanical disturbances from heavy tracked vehicles and steel-chained tires. Our invention displays a unique and unexpected ability to be recompacted into a tightly cohesive base when disturbed, dramatically extending the working life of the chemical agents.

EXAMPLE 3

This example discloses a formulation for producing a heterogeneous mixture as disclosed in our invention.

Constituent	Trade Name	Manufacturer	Weight %
1. Synthetic iso-alkanes	DSF-65	Petro-Canada	67%
2. Polyisobutylene	TPC 195	Texas Petro-Chemical	33%

The TPC 195 material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional blending equipment or agitation.

EXAMPLE 4

This example discloses a formulation for producing an emulsion.

Constituent	Trade Name	Manufacturer	Weight %
1. Synthetic iso-alkanes	DSF-65	Petro-Canada	15%
2. Polyolefin	TPC 195	Texas Petro-Chemical	15%
3. Water			58%
4. Low hydrophile-lipophile balance surfactant	NP 1.5	Chemax	5%
5. High hydrophile-lipophile balance surfactant	Nexdol R-91-8	Tonah	7%

The TPC 195 material is maintained at 45-135 degrees centigrade and blended into the remaining materials using conventional high shear mixers, mixer/emulsifiers, colloid mill, or other suitable mixing equipment.

Test of Second Embodiment

Molded samples were constructed using standard CBR (California Bearing Ratio) molds using gravel taken from an aircraft runway from the Northwest Territories in Canada. Three control samples were made and compacted without the use of a stabilizing agent and tested. Alternatively, three samples were prepared using the material prepared as specified in Example 1 above.

A particle size analysis performed on the material per ASTM C136 indicated the material consisted of 3% silt and clay, 29% sand, and 68% gravel. FIG. 3 shows the particle size distribution curve for the material tested.

The control samples test mold were prepared by compacting 10 kilograms of gravel into the standard 15.24 centimeter diameter CBR molds using an automatic compactor in three lifts and 56 blows per lift. The treated samples were constructed in the same manner with the addition of 100 cubic centimeters of soil stabilizer prepared as described in Example 1.

Soil stiffness and modulus readings were made using a Midwest Industrial Supply, Inc. Stiffness and Modulus Instrument (SAMITRON). The SAMITRON measures in-situ soil stiffness by measuring the stress imparted to the surface and the resulting surface velocity as a function of time. If a Poisson's ratio is assumed and knowing the SAMITRON's physical dimensions, shear and Young's Modulus can be expressed:

$$\text{Young's Modulus (E)} = \frac{(\text{Stiffness}) \cdot (\text{Poisson's Ratio}^2)}{0.1011555}$$

$$\text{where Poisson's Ratio} = 0.35$$

An average was taken from three measurements made on each sample. The average of three readings was reported from each sample with a 117% increase in stiffness and modulus when compared to the untreated locations. The averaged data is listed below:

DRAWING REFERENCE	STIFFNESS (MN/m)	MODULUS (Mpa)
Untreated 01	5.6	48.6
Untreated 02	6.1	52.9
Untreated 03	5.8	50.3
Treated 04	12.7	110.2
Treated 05	13.6	109.3
Treated 06	13.7	110.2

Accordingly, it can be seen that we have provided a unique and effective means of dust control and stabilization using a chemical agent that provided unexpected results when tested.

Although the description above contains much specificity, these should not be construed as limiting the scope of the invention but as merely providing illustrations of some of the presently preferred embodiments of this invention. Various other embodiments and ramifications are possible within its scope. For example, several different types of substances rich in polyolefins are available as drop-in replacements to those tested, as well as numerous aliphatic and cyclic organic compounds. The invention given as a method of soil stabilization and dust control also has related applications as a soil remediation agent, recycled asphalt stabilizer, and asphalt rejuvenator, and coal based or other synthetic fuel additives.

Thus the scope of the invention should be determined by the appended claims and their legal equivalents, rather than by the examples given.

What is claimed is:

1. A method for providing at least one of stabilization and dust control to a particulate surface soil, the method comprising:

applying to and allowing to penetrate the surface soil a composition consisting essentially of:

- (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin; and,
- (b) a synthetic isoalkane.

2. The method of claim 1, where the composition is devoid of electrolytes.

3. The method of claim 1, where said composition is applied neat to the surface soil.

4. The method of claim 1, where the binder is a thermoplastic polyolefin.

5. The method of claim 4, where the composition comprises from 2 to 90% by weight of the thermoplastic polyolefin.

6. The method of claim 1, where the binder is a carboxylic acid.

7. The method of claim 6, where the carboxylic acid is a fatty acid.

8. The method of claim 6, where the composition comprises from 5 to 70% by weight of the carboxylic acid.

9. A method for providing at least one of stabilization and dust control to a particulate surface soil, the method comprising the step of:

applying to and allowing to penetrate the surface soil a composition consisting essentially of:

- (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin;
- (b) a synthetic isoalkane; and,
- (c) an emulsifier.

10. A process for at least one of reducing erosion and controlling dust in surface soil, the process comprising:

- (a) applying to said surface soil a composition comprising two organic materials and allowing the composition to penetrate and weight discrete portions of the surface soil, where the composition consists essentially of (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin and (b) a plasticizer consisting essentially of a synthetic isoalkane; and
- allowing at least one material in the composition to form a binder in which portions of the surface soil are associated, so as to provide a treated surface soil.

11. The process of claim 10, where said surface soil comprises at least one of dirt, slag, sand, gravel, mineral, and aggregate.

12. The process of claim 10, where said weighting is achieved by at least one of adsorption and absorption of said blend to said discrete portions of said surface soil.

13. The process of claim 10, where said surface soil exhibits at least a 100% increase in stiffness and Young's modulus after being treated.

14. The process of claim 10, where the composition comprises 2 to 90% by weight of the polyolefin.

15. A process for at least one of reducing erosion and controlling dust in surface soil, the process comprising:

- (a) applying to said surface soil a composition and allowing the composition to penetrate and weight discrete portions of the surface soil, where the composition consists essentially of (a) a binder consisting essentially of a carboxylic acid, an ester, or a thermoplastic polyolefin (b) a plasticizer consisting essentially of a synthetic isoalkane and (c) a long chain carboxylic acid or ester; and,

(b) allowing at least one material in the composition to form a binder in which portions of the surface soil are associated, so as to provide a treated surface soil.

16. The process of claim 15, where the composition comprises from 5 to 70% by weight of the carboxylic acid or ester.

* * * * *

Exhibit 4 (filed under seal)

EXHIBIT 5

BROUSE McDOWELL
A LEGAL PROFESSIONAL ASSOCIATION

John M. Skeriotis
Attorney at Law
jskeriotis@brouse.com

388 S. Main Street
Suite 500
Akron, OH 44311-4407
Office: 330.535.5711
Fax: 330.253.8601

1001 Lakeside Avenue
Suite 1600
Cleveland, OH 44114-1151
Office: 216.830.6830
Fax: 216.830.6807

www.brouse.com

June 8, 2006

Douglas H. Allsworth, Esq.
Kutak Rock LLP
Suite 300
8601 North Scottsdale Rd.
Scottsdale, AZ 85253-2742

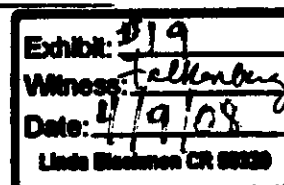
Re: Upcoming Issuance of U.S. Patents Directed Toward
Chemical Soil Stabilization and Dust Control
Our Ref. No.: 21786.27486

Dear Mr. Allsworth:

As you know, we represent Midwest Industrial Supply, Inc. ("Midwest") with respect to its intellectual property matters.

Midwest is a leading manufacturer and distributor of dust stabilization and suppressant materials. Midwest's product line includes a stabilization material that includes an emulsion of aliphatic and cyclic organic compounds with carboxylic acids and polyolefins. Additionally, Midwest has invented and developed a method of applying its materials to maximize their stabilizing and suppressing effects. Since significant sums of money were spent researching and developing these and other breakthroughs, Midwest has filed numerous patent applications to protect its technology. We have recently received a Notice of Allowance for two of these pending patent applications, namely, Publication Nos. 2004/0234682 and 2005/0124527 (collectively the "Applications"), and we expect to receive the actual patent numbers themselves at any moment.

Your client, Soilworks, LLC ("Soilworks") also offers products for soil stabilization and dust suppression, one of which is marketed under the trade name Durasoil®. According to the Durasoil website, Durasoil is listed as being an "Ultra-Pure Synthetic Organic Dust Control Agent." From reviewing the available public information, which includes your MSDS sheet, we feel that at least some of the claims in the two patent applications cited above could potentially affect your client's ability to make, use and sell Durasoil in the future.



Douglas H. Allsworth, Esq.
June 8, 2006
Page 2



We are hopeful we can resolve the issues regarding your client's sales of Durasoil in view of our two pending patent applications. While no legal actions are contemplated by Midwest at this time, we ask you to kindly review the claims in the Applications, which are enclosed herewith, as a first step toward entering into a good-faith resolution of the outstanding issues.

I look forward to discussing these issues with you in the near future, and coming to an amicable resolution. As always, please feel free to call me if you would like to discuss this matter further.

Very truly yours,

BROUSE MCDOWELL

John M. Skeriotis

John M. Skeriotis

JMS/DJF/dmj/cjn
647346.1

EXHIBIT 6

July 27, 2006

Mr. Donald Dunavant, President
Polar Supply Company, Inc
300 E. 54th Street
Anchorage, Ak 99518-1230

Dear Mr. Dunavant,

This letter is meant to apprise you of a recent development at Midwest Industrial Supply, Inc. Midwest invented the category of synthetic organic dust control agents, more commonly known as EK35® and EnviroKleen®. Recently, the United States Patent and Trademark Office awarded Midwest United States Patent No. 7,074,266.

There are a number of imitators that claim to be synthetic organic dust control agents; however, none of those competitors can have the formulation or method as that of EK35® or EnviroKleen®. The granting of the U.S. Patent now allows Midwest to pursue those who make, use, **sell, offer for sale** and / or import knock-off or imitators of EK35® or EnviroKleen®.

We have appraised Soilworks LLC, 681 N Monterey Street, Gilbert Az 85233 of this patent and to date we have not received a substantive response. As you may or may not be aware, U.S. Patent law requires that a response be received by the patent owner when someone has been accused of infringement.

Attached please find U.S. Patent No. 7,074,266. It is our full expectation that this and several more patents will enable us to protect our intellectual property in the marketplace.

If you have any questions, please feel free to telephone me regarding the above.

Sincerely,

Midwest Industrial Supply, Inc.



Robert Vitale
President

Cc: John Skeriotis

Exhibit:	27
Witness:	Falkenberg
Date:	4/9/08
Link Station CR 9838	

July 27, 2006

Mr. David Shooner, Sales Manager
Polar Supply Company, Inc
300 E. 54th Street
Anchorage, Ak 99518-1230

Dear Mr. Shooner,

This letter is meant to apprise you of a recent development at Midwest Industrial Supply, Inc. Midwest invented the category of synthetic organic dust control agents, more commonly known as EK35® and EnviroKleen®. Recently, the United States Patent and Trademark Office awarded Midwest United States Patent No. 7,074,266.

There are a number of imitators that claim to be synthetic organic dust control agents; however, none of those competitors can have the formulation or method as that of EK35® or EnviroKleen®. The granting of the U.S. Patent now allows Midwest to pursue those who make, use, **sell, offer for sale** and / or import knock-off or imitators of EK35® or EnviroKleen®.

We have appraised Soilworks LLC, 681 N Monterey Street, Gilbert Az 85233 of this patent and to date we have not received a substantive response. As you may or may not be aware, U.S. Patent law requires that a response be received by the patent owner when someone has been accused of infringement.

Attached please find U.S. Patent No. 7,074,266. It is our full expectation that this and several more patents will enable us to protect our intellectual property in the marketplace.

If you have any questions, please feel free to telephone me regarding the above.

Sincerely,

Midwest Industrial Supply, Inc.



Robert Vitale
President

Cc: John Skeriotis

Exhibit: #18
Witness: <i>Falkenberg</i>
Date: 4-9-08
Linda Blackmon CR 50328